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PATENTS

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Docket No. 20111-0035 (45445-239355)

Yoshihiko Higuchi Et Al.

Serial No. 09/473,165

Filed: **December 28, 1999**

For: **DRY MEASURING TEST DEVICE**

#16

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Transmitted herewith is a paper in the above-identified application.

- ☒ Petition for Withdrawal of Notice of Abandonment
☒ Associate Power of Attorney.

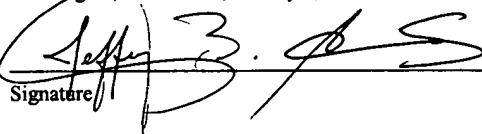
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Washington, D.C. 20231, on May 2, 2002.


Signature

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
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By 
Jeffery B. Arnold, Attorney for Applicant
Reg. No. 39,540



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In re Application of:

Yoshihiko Higuchi Et Al.

Serial No.: 09/473,165

Filed: December 28, 1999

For: DRY MEASURING TEST DEVICE

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)
) Art Unit: 1743
)
) Examiner: Cross, LaToya I.
)
)

**PETITION UNDER 37 C.F.R. § 1.181 FOR WITHDRAWAL OF NOTICE OF
ABANDONMENT**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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In response to the Notice of Abandonment mailed November 5, 2001, Applicant hereby requests that the Notice of Abandonment be withdrawn pursuant to 37 C.F.R. § 1.181 and the above-identified application be revived. Further, Applicant requests that the Notice of Appeal filed March 11, 2002 be acknowledged. In support of this petition, Applicant respectfully submits the following remarks.

1. On March 11, 2002 Applicants timely filed a Notice of Appeal and a Petition for Extension of Time Under 37 C.F.R. § 1.136 with the U.S. Patent and Trademark Office ("PTO"). Photocopies of the Notice of Appeal and the petition are attached hereto as Exhibits "A" and "B", respectively. Both the Notice of Appeal and the petition were filed with a Certificate of Mailing in accordance with 37 C.F.R. § 1.8. Two checks accompanied these

CERTIFICATE OF MAILING

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Jeffery B. Arnold - Reg. No. 39, 540

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documents to cover the respective filing fees for the Notice of Appeal and the petition. A photocopy of check numbers 292898 and 293001 is attached hereto as Exhibit "C". Further, both the Notice of Appeal and the petition granted the PTO to charge Applicants' representative's deposit account for any additional fee required. A post card also accompanied these documents for the PTO to acknowledge receipt thereof and return to Applicants.

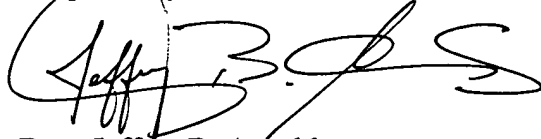
2. As indicated on the return post card, a photocopy of which is attached hereto as Exhibit "D", the PTO received the Notice of Appeal, the petition, the checks, and the post card on April 1, 2002. Further, the aforementioned checks cleared Applicants' representative's bank on April 5, 2002.

3. On April 10, 2002 the PTO mailed a Notice of Abandonment to Applicants' representative. A copy of the Notice of Abandonment is attached hereto as Exhibit "E". The undersigned conducted a telephone conference with Examiner LaToya I. Cross on April 29, 2002 to inquire about the Notice of Abandonment. According to Examiner Cross, the Notice of Appeal was not present in the above-identified application file, and Applicants would have to petition to have the above-identified application revived.

4. Applicants respectfully submit that the Notice of Appeal and the Petition for Extension of Time Under 37 C.F.R. § 1.136 were timely filed with the PTO and the above-identified application is not abandoned. Further, Applicants respectfully assert that the Notice of Abandonment was issued at no fault of Applicants or Applicants' representative and that no fee is due to revive the above-identified application. Accordingly, the PTO is requested to withdraw the Notice of Abandonment and revive the above-identified application. Further, Applicants request the PTO to acknowledge the Notice of Appeal.

Should the Examiner believe that anything further is necessary in order to withdraw the Notice of Abandonment and revive the above-identified application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffery B. Arnold", is written over a circular stamp that is partially obscured.

By: Jeffery B. Arnold
Reg. No. 39,540

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